

House Bill 732

By: Representatives Day of the 163<sup>rd</sup>, Cox of the 102<sup>nd</sup>, Neal of the 1<sup>st</sup>, Horne of the 71<sup>st</sup>, and James of the 135<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Code Section 40-14-5 of the Official Code of Georgia Annotated, relating to testing of radar devices and removal of inaccurate devices from service, so as to provide for requesting testing of laser devices for accuracy; to provide for notice; to provide for the effect of failure of a device to meet minimum accuracy requirements; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 40-14-5 of the Official Code of Georgia Annotated, relating to testing of radar devices and removal of inaccurate devices from service, is amended by striking subsection (b) and inserting in lieu thereof the following:

"(b) Each county, municipal, or campus law enforcement officer using a radar device or laser device for speed detection shall notify each person against whom the officer intends to make a case based on the use of the radar device or laser device that the person has a right to request the officer to test the radar device or laser device, as applicable, for accuracy. The notice shall be given prior to the time a citation and complaint or ticket is issued against the person and, if requested to make a test, the officer shall test the radar device or laser device, as applicable, for accuracy. In the event the radar device or laser device, as applicable, does not meet the minimum accuracy requirements, the citation and complaint or ticket shall not be issued against the person, and the radar device or laser device, as applicable, shall be removed from service and thereafter shall not be used by the county, municipal, or campus law enforcement agency until it has been serviced, calibrated, and recertified by a technician with the qualifications specified in Code Section 40-14-4."

1 **SECTION 2.**

2 This Act shall become effective on July 1, 2005.

3 **SECTION 3.**

4 All laws and parts of laws in conflict with this Act are repealed.